

Amendment under 37 C.F.R. § 1.111
Application No. 10/629,359

REMARKS

Claims 1-9 are all the claims pending in the application. Claim 8 is amended.

Drawings

The Examiner is respectfully requested to acknowledge receipt and acceptance of the drawings as originally filed.

Claim Objections

Claim 8 is objected to because the word “at” appears to be improperly used. Applicants have changed the claim language to remove the basis for the Examiner’s objection.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al (2003/0007149). This rejection is traversed for at least the following reasons.

As correctly noted by the Examiner at page 3 of the Office Action, Yamamoto et al names two individuals as inventors (Toshikazu Yamamoto and Tsutomu Kaneko) both of which are also named as joint inventors of the invention disclosed and claimed in the present application. The Yamamoto et al publication names Ando Electric Co. Ltd. (Ando) as the assignee on its face, and an assignment of all rights from Messrs Yamamoto and Kaneko to Ando has been recorded with the USPTO on June 6, 2002 at reel 012992, frame 0148. There are no further assignments of rights to any other party by Ando prior to July 29, 2003.

The present application was assigned to Ando by the inventors on July 17, 2003, which assignment was recorded in the USPTO on July 29, 2003 at reel 014359 and frame 0276. Thus, at the time of filing of the present application on July 29, 2003, Ando was the common assignee of Yamamoto et al and the present application.

Applicants, through their undersigned representative, hereby state that to the best of their knowledge and on the basis of the foregoing information, both the applied reference to Yamamoto et al and the present invention were commonly owned exclusively by Ando on July 29, 2003. Thus, Applicants hereby exercise their rights under 35 U.S.C. § 103(c) and respectfully submit that Yamamoto et al should be disqualified as a reference. To the extent that

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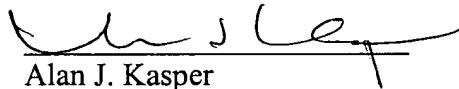
the Examiner requires additional evidence, and such information is necessary to perfect Applicants' rights, Applicants are prepared to comply with any reasonable request.

Finally, Applicants wish to note for the record that Ando was acquired by Yokogawa Electric Corporation (Yokogawa), and all rights in applications previously owned by Ando have been transferred to Yokogawa. However such transfer would not affect Applicants' rights under 35 U.S.C. § 103(c) as exercised herein.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 27, 2005